

2018R00267/RLF/SCF/JNM/jw

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Michael E. Farbiarz, U.S.D.J.
	:	
v.	:	Crim. No. 18-703
	:	
MICHAEL HEALY,	:	PRELIMINARY ORDER
a/k/a "Shady,"	:	OF FORFEITURE (<i>FINAL AS TO</i>
a/k/a "Porsche,"	:	<i>THE DEFENDANT</i>)
a/k/a "White Boy,"	:	
	:	
Defendant.	:	

WHEREAS, on April 3, 2024, after a four-week trial, defendant Michael Healy was convicted of Counts One through Twelve of the Second Superseding Indictment, as amended for the purpose of trial ("Indictment"), which charged the defendant, in relevant part, with conspiracy to distribute controlled substances, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1)(A), in violation of 21 U.S.C. § 846 (Count Twelve);

WHEREAS, the Indictment contained notice of the Government's intent to seek forfeiture, pursuant to 21 U.S.C. § 853, as part of the defendant's sentence, of (a) any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the violation and (b) any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the controlled substance offense charged in Count Twelve of the Indictment;

WHEREAS, at trial, the Government established that the defendant possessed one Smith & Wesson Model M&P 15 .556 caliber rifle, bearing serial number SV77280 ("Firearm") during the course of the drug conspiracy;

WHEREAS, on or about November 10, 2018, the Federal Bureau of Investigation seized one 2012 Porsche Panamera, VIN: WP0AA2A70CL010958 ("Porsche") from the defendant;

WHEREAS, at trial, the Government established that the defendant used the Porsche while trafficking a controlled substance and that there was a hidden compartment or "trap" located inside the vehicle;

WHEREAS, the Court finds by a preponderance of the evidence that, as a result of the controlled substance offense charged in Count Twelve of the Indictment, all of the defendant's right, title, and interest in the Porsche and Firearm (collectively, "Specific Property") is forfeitable to the United States pursuant to 21 U.S.C. § 853; and

WHEREAS, the provisions of 21 U.S.C. § 853(n) require publication and notice to third parties known to have alleged an interest in forfeited specific property and the disposition of any petitions filed under 21 U.S.C. § 853(n) before the United States may have clear title to such property.

WHEREAS, good and sufficient cause having been shown, it is hereby ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

(1) As a result of the defendant's conviction of the controlled substance offense charged in Count Twelve of the Indictment, and pursuant to 21 U.S.C. § 853 and Rule 32.2(b)(1) and (b)(2) of the Federal Rules of Criminal Procedure,

all of the defendant's right, title, and interest in the Specific Property is hereby forfeited to the United States for disposition according to law, subject to the provisions of 21 U.S.C. § 853.

(2) Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Order of Forfeiture shall be final against the defendant, shall be made part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

(3) Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Marshals Service, or its agent or designee, shall maintain or take possession of the Specific Property and hold such property in its secure custody and control.

(4) Pursuant to 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, the United States shall publish notice of this Order for at least 30 consecutive days on the government internet site www.forfeiture.gov. The United States shall also send notice of this Order to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

(5) Pursuant to Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n)(2) and (n)(3), the notice of forfeiture must describe the forfeited property with reasonable particularity, state the times by which a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition. The notice shall also state that the petition (a) shall be for a hearing to adjudicate

the validity of the petitioner's alleged interest in the Specific Property, (b) shall be signed by the petitioner under penalty of perjury, and (c) shall set forth the nature and extent of the petitioner's right, title, or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title, and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought.


(6) Any person, other than the defendant, claiming an interest in the Specific Property must file a petition within 60 days from the first day of publication of notice on the government internet site, or no later than 35 days from the mailing of direct notice, whichever is earlier, pursuant to Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure and Rule G(4) and G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

(7) Upon adjudication of all third-party interests, the Court will enter a final order of forfeiture pursuant to 21 U.S.C. § 853(n)(7) and Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure, in which all interests will be addressed.

(8) Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of the Specific Property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

(9) This Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

ORDERED this 23rd day of April, 2025.



Hon. Michael E. Farbiarz
United States District Judge